

REMARKS

The above amendment along with the following remarks are being submitted as a full and complete response to the Official Action dated September 20, 2002, the period for response expiring March 20, 2003.

Claims 1-32 are under consideration in this application. Claims 1-25 are being amended, as set forth above and in the attached marked-up presentation of the claim amendments, in order to more particularly point out and distinctly claim the subject invention. New claims 26-32 are being added to recite other embodiments described in the specification. The Abstract is shortened to be less than 150 words. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Formality Rejection

The Examiner objected to the language and format used in the abstract and requested corrections. The Examiner rejected claims 1, 9-16, 19-24 under 35 U.S.C. § 112, second paragraph, as being indefinite. Furthermore, the Examiner rejected claims 17-24 as being indefinite because the claims are improper multiple dependent claims.

As indicated, the abstract and the claims have been amended as required by the Examiner. Accordingly, the withdrawal of the outstanding formality rejection is in order, and is therefore respectfully solicited.

Prior Art Rejection

Claims 1, 3-5, 7-9 and 11-16 were under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,183,259 to Macri et al. (hereinafter “Macri”), and claims 2, 6, 10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Macri in view of U.S. Pat. No. 6,152,856 to Studor et al. (hereinafter “Studor”). U.S. Pat. No. 6,159,016 to Lubell et al. (hereinafter

“Lubell”) was cited as being pertinent to the present application. These rejections have been carefully considered, but are most respectfully traversed.

The instructional method for a sport, a hobby, an amusement game or a daily activity according to the invention, as now recited in claim 1, comprises: displaying a main heading section of a plurality of basic examples of problem points; displaying a concrete subheading section as clicked by a learner on one of the basic examples of problem points; providing an electronic means for recording, editing and searching one improved performance image of an instructor corresponding the clicked problem point; and displaying said improved performance image of an instructor. The electronic means displays the main heading section, the subheading section, a performance image corresponding to the clicked problem point, the improved performance image of an instructor, the clicked problem point, and at least one method for overcoming the clicked problem point, and said method is presented in at least one of diagrammatic representation, letters, and speech sound. The clicked problem point is a concrete problem of the learner in *actually practicing* said sport, hobby, an amusement game or a daily activity (“individual problem point” page 5, lines 5-6; “his/her problem point” page 10, 3rd paragraph; “the learners themselves are not aware of their own problem points and they cannot comprehend where the problem is with their form.” page 11, last paragraph).

In particular, the concrete problem of the learner in actually practicing is determined by (1) the learner’s judgement (“it is thought that...” page 10, line 11; “learner can choose the form that most closely approximates the form thereto and by comparing and contrasting their own form and the instructor’s form...” page 15, line 22); or (2) the analysis of the electronic means according to a question form (Fig. 5; page 11, last paragraph), when “the learners themselves are not aware of their own problem points and they cannot comprehend where the problem is with their form.”

In addition to choosing the most closely approximate image depicting the concrete problem as stored in the system (page 15, line 22), the learner can uses a digital camera to shoot and display his/her own actual image depicting the concrete problem (page 25, last line to page 26, line 2) to be compared with the image of the instructor.

Applicants respectfully contend that neither Macri nor any other cited prior art reference, teaches or suggests an instructional method which displays (1) a performance image corresponding to the clicked problem point, (2) an improved performance image of an instructor, and (3) at least one method for overcoming the clicked problem point. Particularly, the clicked

problem point is a concrete problem of the learner in *actually practicing* the sports, hobbies, amusements, or daily activities.

In contrast, the alleged “problem points” in Macri (col., lines 64-67; col. 10, lines 1-10) are “categories he/she *wishes* to study and/or practice (col. 10, line 11)” in the simulation (rather than what he/she *has already studied* and/or *actually practiced* as in the invention). Any item in the sub-menu of specific plays, maneuvers or skills selected by the player/student will be developed in the player/student (col. 10, lines 15-16) **during** his/her actual initial practice (rather than **after** his/her actual initial practice as the invention). The Macri system supports practice of simulated action or the approximation of preferred actions **before** actual execution to increase the user's knowledge base (col. 4, lines 41-46). In particular, Macri's “interactive session calls upon the player/student to cause his/her adopted animated or digitized image(s) to execute maneuvers under the direction of the player/student. ...This calls upon the player/student to understand the positional changes including the physical movements that are required by the maneuver and to strive to have his/her adopted image make those movements and sequential positional changes” (col. 5, lines 24-26, 32-37). In fact, Macri's intended users even include handicapped people (Fig. 25) who will never actually practicing hockey to encounter any **concrete** problems.

Studor fails to compensate Macri's deficiencies. Studor merely varies the resistance setting of indoor exercise equipment (Fig. 1) in order to simulate varying degrees of difficulty. Studor has nothing to do with any actual practice of sports, etc. or any problems of the user in actually practicing such sports.

To produce a personal golf lesson videotape from a visual recording of a person's golf swing and a partially prerecorded instructional golf lesson videotape, Lubell's system (Fig. 7) directs an operator (a human being) to position the golfer to start swinging (step 122), and even to adjust the golfer's natural swinging pace to match with the professional's (step 128) as stored in the system. The player does not interact with the system but only with the operator. On the other hand, the learner interacts with the system according to the invention by clicking the main menu, the sub-menu to click a concrete problem points of the learner in actually practicing. Although Lubell tapes the actual sport practice of a player, Lubell does not specify any concrete problem of the player as identified by the player or analyzed by the system. Nor does Lubell displays any images depicting such a problem.

Applicants respectfully caution that any reliance by the Examiner upon the “common knowledge and common sense” of one skilled in the art to the motivation to modify or combine the teachings in Macri or with other references in the specific way has to fulfill the agency’s obligation to cite references to support its conclusions by providing the specific teaching (positive recitation) of such a combination on the record to allow accountability.

To establish a prima facie case of obviousness, the Board must, inter alia, show “some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). “The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved.” Kotzab, 217 F.3d at 1370, 55 USPQ2d at 1317. Recently, in In re Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002), we held that the Board’s reliance on “common knowledge and common sense” did not fulfill the agency’s obligation to cite references to support its conclusions. Id. at 1344, 61 USPQ2d at 1434. Instead, the Board must document its reasoning on the record to allow accountability. Id. at 1345, 61 USPQ2d at 1435.

See In re Thrift, 298 F.3d 1357.

Accordingly, the present invention as now recited in the independent claims 1, 31 and 32 is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

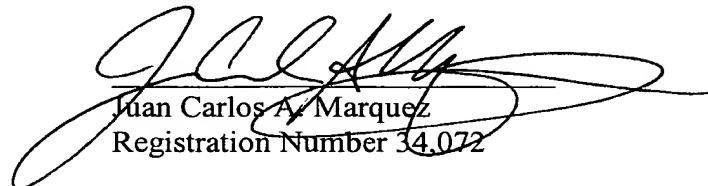
In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of

the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

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Marked-up Version of Claims & Specification

1. An instructional method for a sport[s], a hobby[ies], an amusement[s and for other] game or a daily activity[ies in the daily environment, etc.], comprising:

displaying a main heading section of a plurality of basic examples of problem points;

displaying a concrete subheading section as clicked [menu which is displayed] by a learner on one of the [clicking these] basic examples of problem points; [and]

providing an electronic [apparatus] means for recording, editing and searching [by which the] one improved performance image of an instructor corresponding the clicked problem point [can be recorded, edited and searched]; and

displaying said improved performance image of an instructor,

wherein said electronic means displays [by clicking] the [above described] main heading section, the [and] subheading section, a performance image corresponding to the clicked problem point, the improved performance image of an instructor, the clicked [concrete examples of] problem point[s], and at least one method[s] for overcoming [those] the clicked problem[s] point [are presented in images], and said method is presented in at least one of [displayed as] diagrammatic representation, [and/or] letters, and speech sound, and [or the like]

the clicked problem point is a concrete problem of the learner in actually practicing said sport, hobby, an amusement game or a daily activity.
2. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 1, [characterized in] further comprising a step of utilizing a DVD (digital video disc) system as [a] the electronic means [of] for recording, editing, processing through operations and searching the data of the said examples of individual problem points as well as methods for improvement.
3. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 1, [characterized in] further comprising a step of utilizing an Internet system, as [a] the electronic means [of] for recording, editing, processing through operations and searching the data of the said examples of individual problem points as well as methods for improvement.

4. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 1, [characterized in] further comprising a step of utilizing a computer system, as [a] the electronic means [of] for recording, editing, processing through operations and searching the data of the said examples of individual problem points as well as methods for improvement.
5. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 1, [characterized in that, as for the images of methods of improvement shown in the said Claim 1, when the learner looks at the] further comprising a step of [display of the] overlapping lines or grid lines on the performance image corresponding to the clicked problem point and the improved performance image of an instructor as [those images, which make up the] criteria[, to the learner can be made to understand the proper method] for improvement.
6. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 2, [characterized in that, as for the images of methods of improvement shown in the said Claim 1, when the learner looks at the] further comprising a step of [display of the] overlapping lines or grid lines on the performance image corresponding to the clicked problem point and the improved performance image of an instructor as [those images, which make up the] criteria[, to the learner can be made to understand the proper method] for improvement.
7. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 3, [characterized in that, as for the images of methods of improvement shown in the said Claim 1, when the learner looks at the] further comprising a step of [display of the] overlapping lines or grid lines on the performance image corresponding to the clicked problem point and the improved performance image of an instructor as [those images, which make up the] criteria[, to the learner can be made to understand the proper method] for improvement.
8. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 4, [characterized in that, as for the images

of methods of improvement shown in the said Claim 1, when the learner looks at the] further comprising a step of [display of the] overlapping lines or grid lines on the performance image corresponding to the clicked problem point and the improved performance image of an instructor as [those images, which make up the] criteria[, to the learner can be made to understand the proper method] for improvement.

9. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 1, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
10. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 2, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
11. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 3, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
12. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 4, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods

of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].

13. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 5, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
14. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 6, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
15. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 7, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].
16. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim 8, [characterized in that the plurality of images of the examples of problem points in the methods of improvement, the methods of improvement, or the like, as shown in Claim 1,] wherein the performance image

corresponding to the clicked problem point and the improved performance image of an instructor are displayed, respectively, without overlap [and by comparing and contrasting the differences in the respective images the learner can be made to understand thereof].

17. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 16, characterized in having, as for the images shown in said Claim 5], wherein the performance image corresponding to the clicked problem point and the improved performance image of an instructor are still images [and/or moving images].
18. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 17, characterized in being able to be] , wherein the performance image corresponding to the clicked problem point, the improved performance image of an instructor, and said method for overcoming the clicked problem point are recorded[, as shown in said Claim 6,] on a recording medium[, including paper and, by serving] as a reference[, later enabling] for the learner [to understand his improvement].
19. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 18, characterized in that problem examples, as shown in said Claim 1, are of] , wherein said sport is an individual sport [as represented by] including golf, fishing, tennis, or table tennis[, or the like].
20. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 19, characterized in that problem examples, as shown in said Claim 1, are of] , wherein said sport is a team sport[, as represented by] including baseball, soccer, or basketball[, or the like].
21. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 20, characterized in that problem examples, as shown in said Claim 1, are of] , wherein said sport is a combative sport[, as represented by] including sumo, wrestling, judo, or boxing[, or the like].

22. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 21, characterized in that problem examples, as shown in said Claim 1, are of] ,wherein said sport is an outdoor sport[, as represented by] including surfing, skiing, skating, or swimming[, or the like].
23. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 to [22, characterized in that problem examples, as shown in said Claim 1, are of sports where] ,wherein said sport involves pursuing an object [is pursued, as represented by], and said sport is fishing[,] or hunting[, or the like].
24. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 23, characterized in that problem examples, as shown in said Claim 1, are of] ,wherein said hobby or said amusement game [games and amusements, as represented by] is go, chess, shogi, dance, or billiards[, or the like].
25. An instructional method [for sports, hobbies, amusements and for other activities in the daily environment, etc.,] according to Claim[s] 1 [to 24, characterized in that problem examples, as shown in said Claim 1, are of] ,wherein said daily activity[ies in the daily environment, as represented by various types of] is a medical treatment[s], a beauty treatment[s], weight training, flower arrangement, floral art, or cooking[, or the like].

Marked-up copy of Abstract

{Title of the Document}

[Abstract]

The method, system or software

[Objective] It is made possible wherein, concerning problem points in regard to which a learner would like improvement, at the time that such are compared with those of an instructor, the model performance of the instructor can be precisely accessed as images. Moreover, it is made possible wherein the above described model in conjunction with a method of performance of the instructor can be displayed in diagrammatic improvement representation and/or letters or speech sound.

[Structure] An electronic apparatus, such as a DVD, the Internet, a PC, etc., is used as a means for recording, editing, processing through operations and searching the data of the examples of problem points and methods for improvement.

[Selected Drawing] —